

# Adult Protective Service

**Adult at Risk**, as defined in Wis. Stat. § 55.043(1e), means any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

**Elder Adult at Risk**, as defined in Wis. Stat. § 46.90(br), means any person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

**Abuse**, as defined in Wis. Stat. § 46.90(1)(a), means any of the following:

1. Physical abuse: intentional or reckless infliction of physical pain or injury, illness, or any impairment of physical condition.
2. Emotional abuse: language or behavior that serves no legitimate purpose and is intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing, and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed.
3. Sexual abuse: a violation of criminal assault law, s. 940.225 (1), (2), (3), or (3m).
4. Treatment without consent: the administration of medication to an individual who has not provided informed consent, or the performance of psychosurgery, electro-convulsive therapy, or experimental research on an individual who has not provided informed consent, with the knowledge that no lawful authority exists for the administration or performance.
5. Unreasonable confinement or restraint: the intentional and unreasonable confinement of an individual in a locked room, involuntary separation of an individual from his or her living area, use on an individual of physical restraining devices, or the provision of unnecessary or excessive medication to an individual, but does not include the use of these methods or devices in entities regulated by the department if the methods or devices are employed in conformance with state and federal standards governing confinement and restraint.

**Caregiver**, as defined in Wis. Stat. § 46.90(1)(an), means a person who has assumed responsibility for all or a portion of an individual's care voluntarily, by contract, or by agreement, including a person acting or claiming to act as a legal guardian.

**Financial exploitation**, as defined in Wis. Stat. § 46.90 (1) (ed), means any of the following: 1. Obtaining an individual's money or property by deceiving or enticing the individual, or by forcing, compelling, or coercing the individual to give, sell at less than fair market value, or in other ways convey money or property against his or her will without his or her informed consent. 2. Theft, as prohibited in s. 943.20. 3. The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities. 4. Unauthorized use of an individual's personal identifying information or documents, as prohibited in s. 943.201. 5. Unauthorized use of an entity's identifying information or documents, as prohibited in s. 943.203. 6. Forgery, as prohibited in s. 943.38. 7. Financial transaction card crimes, as prohibited in s.943.41.

**Fiscal Agent**, as defined in Wis. Stat. § 46.90(1)(eg), includes any of the following:

- A guardian of the estate appointed under s. 54.10
- A conservator appointed under s. 54.76
- An agent under a financial power of attorney under s. 243.07

- A representative payee under 20 CFR 416.635
- A conservatorship under the U.S. Department of Veterans Affairs.

**Neglect**, as defined in Wis. Stat. § 46.90(1)(f), means the failure of a caregiver, as evidenced by an act, omission, or course of conduct, to endeavor to secure or maintain adequate care, services, or supervision for an individual, including food, clothing, shelter, or physical or mental health care, and creating significant risk or danger to the individual's physical or mental health. "Neglect" does not include a decision that is made to not seek medical care for an individual, if that decision is consistent with the individual's previously executed declaration or do-not-resuscitate order under Chapter 154, a power of attorney for health care under Chapter 155, or as otherwise authorized by law.

**Self-neglect**, as defined in Wis. Stat. § 46.90(1)(g), means a significant danger to an individual's physical or mental health because the individual is responsible for his or her own care but fails to obtain adequate care, including food, shelter, clothing, or medical or dental care.